

The Gazette **of India**

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 27] NEW DELHI, FRIDAY, MAY 21, 1954

MINISTRY OF LAW

New Delhi, the 21st May 1954

The following Acts of Parliament received the assent of the President on the 20th May, 1954 and are hereby published for general information:—

THE MINIMUM WAGES (AMENDMENT) ACT, 1954

No. 26 OF 1954

[20th May, 1954]

An Act further to amend the Minimum Wages Act, 1948.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Minimum Wages (Amendment) Act, 1954.

2. Amendment of section 2, Act XI of 1948.—In section 2 of the Minimum Wages Act, 1948 (hereinafter referred to as the principal Act):—

(a) in clause (a), for the words and figures “Factories Act, 1934 (XXV of 1934)”, the words and figures “Factories Act, 1948 (LXIII of 1948)” shall be substituted; and

(b) in sub-clause (i) of clause (e), for the words, brackets, letter and figures “clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 (XXV of 1934)”, the words, brackets, letter and figures “clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 (LXIII of 1948)” shall be substituted.

3. Amendment of section 3, Act XI of 1948.—For sub-section (1) of section 3 of the principal Act, the following sub-sections shall be substituted, namely:—

“(1) The appropriate Government shall, in the manner herein-after provided,—

(a) fix the minimum rates of wages payable to employees employed—

(i) in an employment specified in Part I of the Schedule at the commencement of this Act, before the 31st day of December, 1954;

(ii) in an employment specified in Part II of the Schedule at the commencement of this Act, before the 31st day of December, 1954 :

Provided that the appropriate Government may, instead of fixing minimum rates of wages under this sub-clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or part thereof; and

(iii) in an employment added to Part I or Part II of the Schedule by notification under section 27, before the expiry of one year from the date of the notification;

(b) review at such intervals as it may think fit, such intervals not exceeding five years, the minimum rates of wages so fixed and revise the minimum rates, if necessary.

(1A) Notwithstanding anything contained in sub-section (1), the appropriate Government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which there are in the whole State less than one thousand employees engaged in such employment, but if at any time, whether before or after the expiry of any time limit specified in sub-section (1), the appropriate Government comes to a finding after such inquiry as it may make or cause to be made in this behalf that the number of employees in any scheduled employment in respect of which it has refrained from fixing minimum rates of wages has risen to one thousand or more, it shall fix minimum rates of wages payable to employees in such employment within one year from the date on which it comes to such finding.”.

4. Amendment of section 14, Act XI of 1948.—In section 14 of the principal Act, in sub-section (2), for the words and figures “section 47 of the Factories Act, 1934 (XXV of 1934)”, the words and figures “section 59 of the Factories Act, 1948 (LXIII of 1948)” shall be substituted.

5. Amendment of section 26, Act XI of 1948.—After sub-section (2) of section 26 of the principal Act, the following sub-section shall be inserted, namely:—

“(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area, it is not necessary to fix minimum wages

in respect of such employees of that class as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the Official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees."

6. Insertion of new section 31 in Act XI of 1948.—After section 80 of the principal Act, the following section shall be inserted, namely:—

"31. *Validation of fixation of certain minimum rates of wages.*—Where during the period commencing on the 1st day of April, 1952, and ending with the date of commencement of the Minimum Wages (Amendment) Act, 1954, minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any employment specified in Part I of the Schedule in the belief or purported belief that such rates were being fixed under sub-clause (i) of clause (a) of sub-section (1) of section 8, such rates shall be deemed to have been fixed in accordance with law, and shall not be called in question in any court on the ground merely that the date specified in that sub-clause had expired at the time the rates were fixed:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the payment by him by way of wages to any of his employees during the period specified in this section an amount which is less than the minimum rates of wages referred to in this section or by reason of non-compliance during the period aforesaid with any order or rule issued under section 13."

THE DELIVERY OF BOOKS (PUBLIC LIBRARIES) Act, 1954

No. 27 OF 1954

[20th May, 1954]

An Act to provide for delivery of books to the National Library and other public libraries.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Delivery of Books (Public Libraries) Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed, but

does not include a newspaper published in conformity with the provisions of section 5 of the Press and Registration of Books Act, 1867 (XXV of 1867);

(b) "public libraries" means the National Library at Calcutta and any three other libraries which may be specified by the Central Government in this behalf by notification in the Official Gazette.

3. Delivery of books to public libraries.—(1) Subject to any rules that may be made under this Act, but without prejudice to the provisions contained in section 9 of the Press and Registration of Books Act, 1867 (XXV of 1867), the publisher of every book published in the territories to which this Act extends after the commencement of this Act shall, notwithstanding any agreement to the contrary, deliver at his own expense a copy of the book to the National Library at Calcutta and one such copy to each of the other three public libraries within thirty days from the date of its publication.

(2) The copy delivered to the National Library shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the same, and shall be bound, sewed or stitched together, and on the best paper on which any copy of the book is printed.

(3) The copy delivered to any other public library shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(4) Nothing contained in sub-section (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, book prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act.

4. Receipt for books delivered.—The person in charge of a public library (whether called a librarian or by any other name) or any other person authorised by him in this behalf to whom a copy of a book is delivered under section 3 shall give to the publisher a receipt in writing therefor.

5. Penalty.—Any publisher who contravenes any provision of this Act or of any rule made thereunder shall be punishable with fine which may extend to fifty rupees and the value of the book, and the court trying the offence may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to the public library to which the book ought to have been delivered.

6. Cognizance of offences.—(1) No court shall take cognizance of any offence punishable under this Act save on complaint made by an officer empowered in this behalf by the Central Government by a general or special order.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

● **Application of Act to books published by Government.**—This Act shall also apply to books published by or under the authority of the Government other than books meant for official use only.

8. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) ACT, 1954

No. 28 OF 1954

[20th May, 1954]

An Act to regulate certain conditions of service of the Judges of High Courts in Part A States.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title.—This Act may be called the High Court Judges (Conditions of Service) Act, 1954.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “acting Chief Justice” means a Judge appointed under article 223 of the Constitution to perform the duties of the Chief Justice;

(b) “acting Judge” means a person who was appointed to act as a Judge under sub-section (2) of section 222 of the Government of India Act, 1935;

(c) “actual service” includes—

(i) time spent by a Judge on duty as a Judge or in the performance of such other functions as he may, at the request of the President of India, undertake to discharge;

(ii) vacations, excluding any time during which the Judge is absent on leave;

(iii) joining time on transfer from a High Court to the Supreme Court or from one High Court to another or from the Supreme Court to a High Court;

(iv) time spent by a Judge on duty as a Judge of a former Indian High Court;

(v) time spent by a Judge to attend the sittings of the Supreme Court as an *ad hoc* Judge under article 127 of the Constitution; and

(vi) vacations (excluding any time during which the Judge was absent on leave) taken by a Judge as a Judge of a former Indian High Court;

(d) "additional Judge" means a person who was appointed as an additional Judge under sub section (3) of section 222 of the Government of India Act, 1935;

(e) "former Indian High Court" means the High Court at Rangoon, the High Court at Lahore, the Chief Court of Sind or the Judicial Commissioner's Court of North-West Frontier Province;

(f) "High Court" means a High Court in any Part A State and includes a High Court which was exercising jurisdiction in the corresponding Province before the commencement of the Constitution;

(g) "Judge" means a Judge of a High Court and includes the Chief Justice and acting Chief Justice of a High Court;

(h) "service for pension" includes—

(i) actual service;

(ii) one month or the amount actually taken, whichever is less, of each period of leave on full allowances;

(iii) joining time on return from leave out of India;

(i) "prescribed" means prescribed by rules made under this Act.

(2) In the calculation of service for the purposes of this Act, previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court shall be reckoned as service as a Judge but, save as otherwise expressly provided, previous service as an acting Chief Justice shall not be reckoned as service as Chief Justice.

(3) Any period of leave taken by a Judge before the commencement of this Act under the rules then applicable to him as an acting Judge, additional Judge or a Judge shall, for the purposes of this Act, be treated as if it were leave taken by him under this Act.

(4) Any period of leave taken by a Judge while serving as a Judge of a former Indian High Court before his appointment to a High Court shall for the purposes of this Act be treated as if it were leave taken by him under this Act.

CHAPTER II

LEAVE

3. Kinds of leave admissible to a Judge.—(1) Subject to the provisions of this Act, leave granted to a Judge may be at his option either—

(a) leave on full allowances; or

(b) leave on half allowances; or

(c) leave partly on full allowances and partly on half allowances.

(2) For the purposes of this Chapter, any period of leave on full allowances shall be reckoned as double that period of leave on half allowances.

4. Leave account showing the amount of leave due.—(1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half allowances.

(2) In the leave account of a Judge—

(a) there shall be credited to him—

(i) one-fourth of the time spent by him on actual service; and

(ii) where the Judge, by reason of his having been detained for the performance of duties not connected with the High Court, cannot enjoy any vacation which he would otherwise have been entitled to enjoy had he not been so detained, as compensation for the vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month; and

(b) there shall be debited to him all leave with allowances taken by him.

5. Aggregate amount of leave which may be granted.—(1) The aggregate amount of leave which may be granted to a Judge during the whole period of his service as such shall not exceed in terms of leave on half allowances three years together with the aggregate of the periods, if any, credited to his leave account under sub-section (2)(a)(i) of section 4 as compensation for vacation not enjoyed.

(2) The aggregate amount of leave on full allowances which may be granted to a Judge during the whole period of his service as such shall not exceed one-twenty-fourth of the period spent by him on actual service together with one-half of the aggregate periods, if any, credited to his leave account under sub-section (2)(a)(ii) of section 4 as compensation for vacation not enjoyed.

(3) The maximum period of leave which may be granted at one time shall be, in the case of leave on full allowances, five months and in the case of leave with allowances of any kind, sixteen months.

6. Grant of leave not due.—Subject to the maximum limit specified in sub-section (1) of section 5, leave on half allowances may be granted to a Judge in excess of the amount at his credit—

(i) on medical certificate; or

(ii) otherwise than on medical certificate, for not more than six months and not more than once during the whole period of his service as a Judge:

Provided that no such leave shall be granted if the Judge is not expected to return to duty at the end of such leave and earn the leave granted.

7. Special disability leave.—The rules for the time being in force with respect to the grant of special disability leave in relation to an officer of the Central Civil Services, Class I who has entered service on or after the 16th July, 1981 and who may be disabled by injury caused in, or in consequence of, the due performance of his official duties or in consequence of his official position, shall apply in relation to a Judge.

8. Extraordinary leave.—Extraordinary leave not exceeding six months in duration may be granted to a Judge not more than once during the whole period of his service as a Judge in excess of any leave permissible

under the foregoing provisions of this Chapter, but no salary or allowances shall be payable during, or in respect of, such leave.

9. Leave allowances.—(1) The monthly rate of leave allowances payable to a Judge while on leave on full allowances shall be for the first month of such leave a rate equal to the monthly rate of his salary, and thereafter two thousand two hundred and twenty rupees.

(2) The monthly rate of leave allowances payable to a Judge while on leave on half allowances shall be one thousand one hundred and ten rupees.

10. Allowances for joining time.—There shall be payable to a Judge in respect of joining time on his return from leave out of India an allowance at the rate of one thousand one hundred and ten rupees a month in lieu of salary.

11. Combining leave with vacation.—A Judge may be permitted to combine vacation on full salary with leave, if,—

(a) where the vacation consists of one continuous period, the leave is taken either at the commencement or at the end of the vacation but not at both;

(b) where the vacation is divided into two separate periods, the leave is taken for the interval, or part of the interval, between the two periods of that vacation, or for the interval, or part of the interval, between the second period of that vacation and the commencement of the next ensuing vacation:

Provided that no such permission to combine vacation with leave shall be granted if it becomes necessary to appoint an acting Chief Justice during the period of vacation or if the Judge is not expected to return to duty at the end of such leave.

12. Consequences of overstaying leave or vacation.—If a Judge overstays his leave or any vacation, whether combined with leave or not, he shall receive no salary for the period of his absence in excess of leave granted to him or beyond the end of the vacation, as the case may be:

Provided that if such absence is due to circumstances beyond his control, the period thereof may be treated as leave and may be debited to his leave account.

13. Authority competent to grant leave, etc.—The authority competent to grant or refuse leave to a Judge or revoke or curtail leave granted to a Judge shall be the Governor of the State in which the principal seat of the High Court is situate, after consultation with the Chief Justice of that High Court.

CHAPTER III

PENSIONS

14. Pension payable to Judges.—Subject to the provisions of this Act, every Judge shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part I of the First Schedule:

Provided that no such pension shall be payable to a Judge unless—

(a) he has completed not less than twelve years of service for pension; or

(b) he has attained the age of sixty years; or

(c) his retirement is medically certified to be necessitated by ill-health.

Explanation.—In this section 'Judge' means a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and includes a Judge who being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule.

15. Special provision for pension in respect of Judges who are members of service.—Every Judge—

(a) who is a member of the Indian Civil Service shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part II of the First Schedule;

(b) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or a State, shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part III of the First Schedule:

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the First Schedule or, as the case may be, Part II or Part III of the First Schedule, and the pension payable to him shall be calculated accordingly.

16. Power of President to add to the service for pension.—The President of India may for special reasons direct that any period not exceeding three months shall be added to the service for pension of a Judge:

Provided that the period so added shall be disregarded in calculating any additional pension under Part I or Part II or Part III of the First Schedule.

17. Extraordinary pensions.—The rules for the time being in force with respect to the grant of extraordinary pensions and gratuities in relation to an officer of the Central Civil Services, Class I who has entered service on or after the 1st April, 1937 and who may suffer injury or die as a result of violence, shall apply in relation to a Judge, subject, however, to the modification that references in those rules to tables of injury gratuities and pensions, and of family gratuities and pensions, shall be construed as references to the tables in the Second Schedule.

18. Conversion of sterling pension into rupees.—Pensions expressed in sterling only shall, if paid in India, be converted into rupees at such rate of exchange as the Central Government may, from time to time, specify in this behalf:

Provided that nothing in this section shall affect any specific privilege in respect of the conversion of sterling pensions which was conferred by any rules previously in force in respect of persons who, on the 1st February, 1921, were members of the Indian Civil Service.

19. Commutation of pensions.—The Civil Pensions (Commutation) Rules for the time being in force shall, with necessary modifications, apply to Judges.

20. Provident Fund.—Every Judge shall be entitled to subscribe to the General Provident Fund (Central Services):

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to subscribe to the Provident Fund to which he was subscribing before his appointment as a Judge:

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the Provident Fund to which he was subscribing immediately before such commencement.

21. Authority competent to grant pension.—Save as may be otherwise expressly provided in the relevant rules relating to the grant of extraordinary pensions and gratuities, the authority competent to grant pension to a Judge under the provisions of this Act shall be the President of India.

CHAPTER IV

MISCELLANEOUS

22. Travelling allowances to a Judge.—Every Judge shall receive such reasonable allowances to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time, be prescribed.

23. Facilities for medical treatment and other conditions of service.—(1) Every Judge and the members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed.

(2) The conditions of service of a Judge for which no express provision has been made in this Act shall be such as may be determined by rules made under this Act.

(3) This section shall be deemed to have come into force on the 26th January, 1950 and any rule made under this section may be made so as to be retrospective to any date not earlier than the commencement of this section.

24. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) leave of absence of a Judge;
- (b) pension payable to a Judge;
- (c) travelling allowances to a Judge;
- (d) facilities for medical treatment and other conditions of service of a Judge;
- (e) any other matter which has to be, or may be, prescribed.

(3) All rules made under the provisions of this Act shall be laid, as soon as may be, before each House of Parliament.

25. Savings.—Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his allowances or his rights in respect of leave of absence (including leave allowances) or pension than those to which he would be entitled if this Act had not been passed.

THE FIRST SCHEDULE

(See sections 14 and 15)

PENSIONS OF JUDGES

PART I

1. The provisions of this Part apply to a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and also apply to a Judge who, being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State, has elected to receive the pension payable under this Part.

2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be the basic pension specified in paragraph 3 increased by the additional pension, if any, to which he is entitled under paragraph 5.

3. The basic pension to which such a Judge shall be entitled shall be—

(a) for the first seven completed years of service for pension, Rs. 5,000 per annum; and

(b) for each subsequent completed year of service for pension, a further sum of Rs. 1,000 per annum:

Provided that the basic pension shall in no case exceed Rs. 10,000 per annum.

4. For the purpose of calculating additional pensions, service as a Judge shall be classified as follows:—

Grade I. Service as Chief Justice in any High Court;

Grade II. Service as any other Judge in any High Court.

5. For each completed year of service for pension in either of the grades mentioned in paragraph 4, the Judge who is eligible for a basic pension under this Part shall be entitled to the additional pension specified in relation to that grade in the second column of the table annexed hereto:

Provided that the aggregate amount of his basic and additional pension shall not exceed the amount specified in the third column of the said table in relation to the higher grade in which he has rendered service for not less than one completed year.

TABLE

Service	Additional pension per annum	Maximum aggregate pen- sion per annum
	Rs.	Rs.
Grade I	740	20,000
Grade II	470	10,000

6. A Judge who has rendered service for pension in both the grades may claim that any period of service of less than a completed year rendered by him in the higher grade, or any portion of any such period, shall be treated for the purposes of paragraph 5 as service rendered by him in the lower grade.

7. For the purposes of this Part, service as an acting Chief Justice of a High Court or as an *ad hoc* Judge of the Supreme Court, shall be treated as though it were service rendered as Chief Justice of a High Court.

8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed twelve years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 20,000 per annum.

9. Where a Judge to whom this Part applies retires or has retired at any time after the 26th January, 1950 without being eligible for a pension under any other provision of this Part, then, notwithstanding anything contained in the foregoing provisions, a pension of Rs. 8,000 per annum shall be payable to such a Judge.

PART II

1. The provisions of this Part apply to a Judge who is a member of the Indian Civil Service and who has not elected to receive the pension payable under Part I.

2. The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension; and

(b) the additional pension, if any, to which he is entitled under paragraph 8.

3. If such a Judge has completed not less than seven years of service for pension in a High Court, he shall be entitled to an additional pension in accordance with the following scale:—

	Per annum.
	₹
For seven completed years of service for pension	... 100
For eight completed years of service for pension	... 120
For nine completed years of service for pension	... 140
For ten completed years of service for pension	... 160
For eleven completed years of service for pension	... 180
For twelve or more completed years of service for pension	... 200

PART III

1. The provisions of this Part apply to a Judge who has held any civil pensionable post under the Union or a State (but is not a member of the Indian Civil Service) and who has not elected to receive the pension payable under Part I.

2. The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension; and

(b) a special additional pension of Rs. 500 per annum in respect of each completed year of service for pension but in no case such additional pension together with the additional or special pension, if any, to which he is entitled under the ordinary rules of his service, shall exceed Rs. 2,500 per annum.

THE SECOND SCHEDULE

(See section 17)

INJURY GRATUITIES AND PENSIONS

Officer	Gratuity	Annual Pension	
		Higher Scale	Lower scale
	Rs.	Rs.	Rs.
1. Chief Justice	20,000	5,400	4,700
2. Any other Judge	13,500	4,700	4,000

FAMILY GRATUITIES AND PENSIONS

A. Widow

Officer	Gratuity	Annual Pension
	Rs.	Rs.
1. Chief Justice	15,000	5,000
2. Any other Judge	13,500	4,000

B. Children

Officer	Annual Pension	
	If motherless	If not motherless
	Rs.	Rs.
1. Chief Justice	550	320
2. Any other Judge	550	320

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

